

REMARKS

Applicant would like to thank the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. §119, as well as receipt of the certified copies of all priority documents. Additionally, Applicant would like to thank the Examiner for acknowledging receipt and consideration of the documents cited in Information Disclosure Statements filed on August 14, 2004 and February 5, 2001.

Initially, Applicant notes that a Request for Correction of Inventorship was filed on April 23, 2004. However, the above-noted outstanding Official Action dated June 25, 2004 did not indicate whether inventorship was corrected, and included a statement that the "application currently names joint inventors". In this regard, Applicant's representative contacted the Examiner on September 17, 2004, and requested that the Examiner acknowledge receipt and acceptance of the above-noted Request for Correction of Inventorship. The Examiner requested that he be reminded to acknowledge the Request for Correction of Inventorship when Applicant files the present Response. Accordingly, Applicant hereby requests acknowledgment of the receipt and consideration of the above-noted Request for Correction of Inventorship with the next Official Action from the U.S. Patent and Trademark Office.

In the outstanding Official Action, claims 26-34 were rejected under 35 U.S.C. §103(a) over BESHAI et al. Upon entry of the present Amendment, claims 26-34 will have

been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 26-34 have been replaced with claims 35-44 which are directed to similar subject matter. In view of the herein-contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections, as well as an indication of the allowability of each of the claims now pending.

In the outstanding Official Action, the Examiner asserted that the "content traffic exchange hop" recited in claim 26 is disclosed by the packet switch and/or the core controller in BESHAI (as described at col. 3, line 13 et seq.; col. 3, line 63 et seq.; col. 4, line 1 et seq. and col. 10, line 25 et seq.) Applicant respectfully submits that BESHAI does not disclose a content traffic exchange hop as recited in new claim 35.

Rather, the prior art, and specifically BESHAI, is directed to packet switches (routers) that include the "three-stage architecture in which ingress modules communicate with egress modules through a switch core stage" (see col. 2, lines 21-27). Generally speaking, the improvement of BESHAI is a "switch that can efficiently transfer variable sized packets" (see col. 2, line 66 to col. 3, line 1). The apparatus of BESHAI is similar to the conventional art described in Applicant's specification. As described at pages 1-3 of Applicant's specification, individual data packets in the prior art are received and processed based on standardized fields such as Quality of Service, such that a router forwards or drops the packets without regard to whether the packets will be usable downstream.

Accordingly, Applicant would like to explain the invention disclosed in the present application and recited in the new claims 35-44. The invention recited in claims 35-44 considers packets in the context of whether they will be usable as intended. In this regard, claim 35 recites "said content traffic exchange hop scheduling transmission of data packets of a multimedia object from the routing node, based upon the monitoring and based upon timing requirements for the data packets". In other words, the content traffic exchange hop according to claim 35 monitors the load of the routing node and schedules delivery of packets based upon the monitored load of the routing node and upon timing requirements for packets. Applicant notes that independent claim 44 recites features similar to the above-noted content traffic exchange hop.

In contrast, the switch disclosed in BESHAI does not monitor the switch's loads and does not schedule the delivery of data packets from the switch based upon the monitoring or based upon timing requirements for the packets. Rather, the scheduling in BESHAI (see col. 14, lines 8-63) refers to the "scheduling of transfer times for allocated packet segments waiting to be transferred from the ingress modules 32 to the core 34 of the switch 30" (see col. 14, lines 13-16). In this regard, BESHAI discloses at col. 10, lines 28-32 that "[e]ach ingress module 32 communicates information to a traffic controller 100. The information is related to a traffic load and committed capacity (service rate) for traffic to be switched to

each of the respective egress modules 36". However, the BESHAI does not disclose any feature relating to, e.g., scheduling based upon timing requirements of the packets.

Accordingly, in view of the above-noted explanation of the differences between BESHAI and the invention recited in claim 35, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 26 and an indication of the allowability of claim 35 (which recites subject matter similar to the subject matter recited in claim 26).

Applicant additionally asserts that the claims dependent on claim 35 are patentable for reasons independent of the reasons for the patentability of claim 35. For example, claim 36 recites a "timer that determines the decoding time needed for an end device to decode the object; an object marker that links payloads of an object... and a time slot allocator that determines the time of delivery for the object". Applicant respectfully submits that BESHAI does not disclose or suggest any such features. Rather, the core module 34 in BESHAI is only disclosed to perform processing in consideration of the ingress module 32 and egress module 36, and not for any "end device". Further, the core 34 in BESHAI is not disclosed to perform any function such as determining the time of delivery for an object. Accordingly, Applicant respectfully asserts that claim 36 is patentable over BESHAI for reasons in addition to those noted above for the patentability of claim 35.

Further, with respect to the features recited in claims 38 and 41, BESHAI does not disclose or suggest any synchronization of received object streams or scheduling of object streams to be transmitted.

Applicant notes that the outstanding Official Action asserts that numerous features of the above-noted invention are "all obvious variations of the well known features of ingress-egress packet or object processing systems including traffic management (scheduling) particulars (see for example, col 14, line 8 et seq)". However, as noted above, BESHAI does not disclose or suggest at least, e.g., monitoring loads of a routing node (claim 35); rescheduling delivery of data packets based upon the monitoring (claim 35); determining the decoding time needed for an end device to decode the object (claim 36) or any other form of network traffic monitoring and management. Rather, the cited portion of BESHAI only discloses the scheduling "of transfer times for allocated packet segments waiting to be transferred from the ingress modules 32 to the core 34 of the switch 30".

Accordingly, Applicant respectfully submits that claim 35 is not disclosed or suggested by the reference applied by the Examiner. Applicant further submits that claims 36-44 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. In this regard, Applicant has noted numerous exemplary features of the claims that are not disclosed or suggested in the reference applied by the Examiner.

Accordingly, if the Examiner persists in maintaining the rejection of new claims 35-44 over BESHAI, Applicant respectfully requests that the Examiner point with specificity to where BESHAI, or any other reference, discloses the above-noted features of claims 35-44 which are asserted to be "well known" in the outstanding Official Action. Applicant further requests that the Examiner provide an explanation of what motivation exists in the prior art to modify BESHAI as necessary to obtain the invention recited in claims 35-44.

Because Applicant submits the features of claims 35-44 are not disclosed, suggested or rendered obvious over BESHAI, Applicant respectfully requests an indication of the allowability of each of the claims now pending.

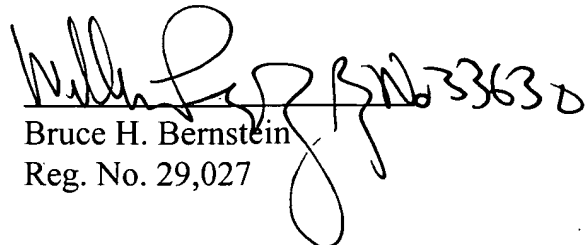
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has added new claims to more clearly define the invention and pointed to numerous features of the new claims that are not disclosed or suggested in the reference applied by the Examiner. Accordingly, Applicant respectfully submits that a clear basis for the patentability of claims 35-44 has been established, and an indication to that effect is respectfully requested.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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